

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(203.004-US)

In re Application of: **BALLERSTADT ET AL.**) Group Art Unit: **1641**
Serial No: **10/735,153**) Examiner: **YU, MELANIE J.**
Filed: **DECEMBER 12, 2003**)
Title: **DEVICE AND METHOD FOR ANALYTE**)
SENSING)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing under 37 CFR 1.8

I hereby certify that the attached: **(1)** Transmittal of Payment of Issue Fee (1 page + 1 copy), **(2)** Fee Transmittal (1 page + 1 copy), **(3)** Comments on Statement of Reasons for Allowance (2 pages), and **(4)** Check for \$1,000.00 are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelop addressed to:

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on December 4, 2006.



Signature



Print Name of Person Signing Certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re Application of: BALLERSTADT ET AL.) Group Art Unit: 1641
)
Serial No: 10/735,153) Examiner: YU, MELANIE J.
)
Filed: DECEMBER 12, 2003)
)
Title: DEVICE AND METHOD FOR ANALYTE SENSING)
)

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

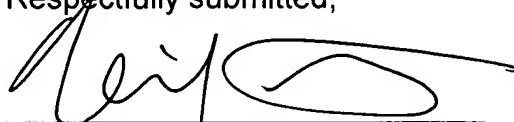
Dear Sir:

Applicants note the Examiner's reasons for allowance. No inference or conclusion should be drawn that Applicants believe that the Examiner's reasons for allowance are the *only* reasons the claims are patentable. Indeed, the Examiner's statements appear to focus on certain features contained in certain of the independent claims and not disclosed in the prior art, including the art discussed in the Statement. However, no mention is made with respect to other inventive aspects of the independent claims. Moreover, no mention is made with respect to any of dependent claims, which include other and/or additional inventive and patentable aspects. Thus, Applicants interpret the Examiner's statement to be in no way exhaustive -- whether relative to the independent claims or the dependent claims.

Applicants further note the Examiner's discussion of Krauth, Polak, Dickinson, Buschmann, Walt and Chee. (See, Notice of Allowability, pages 2 and 3). No inference or conclusion should be drawn that Applicants agree with the Examiner's characterization of such art. In an effort to provide a more concise response, and because the Examiner has not rejected any of the claims based on such art, Applicants do not provide comments on the Examiner's characterization. Further, no inference or conclusion should be drawn that Applicants believe that the shortcomings identified by the Examiner are the *only* shortcomings of such art that are pertinent to the claimed inventions.

Finally, although Applicants agree with the Examiner's ultimate conclusion that the inventions (as claimed herein) are patentable over the prior art, there are many inventions described and illustrated in the above-referenced application. Indeed, other inventions described and illustrated in the application may or may not include one, some or all of the features the Examiner indicates are not disclosed in the prior art.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Neil Steinberg', written over a horizontal line.

Neil Steinberg, Reg. No. 34,735
Telephone No. 650-968-8079

Date: December 4, 2006